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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

NATIONAL URBAN LEAGUE, *et al.*,

Case No. 5:20-cv-05799-LHK

**Plaintiff,**

V.

WILBUR L. ROSS, JR., *et al.*,

**DECLARATION OF  
STEVEN DILLINGHAM**

## Defendants.

**DECLARATION OF DOCTOR STEVEN DILLINGHAM  
Case No. 5-20-285789-LW/K**

1 I, Steven Dillingham, make the following declaration pursuant to 28 U.S.C. § 1746, and  
2 state under penalty of perjury the following is true and correct to the best of my knowledge and  
3 belief:

- 4 1. I have served as the Director of the United States Census Bureau since January 2019. I  
5 have a B.A. from Winthrop University, a J.D., M.P.A. and Ph.D. from the University of  
6 South Carolina, an M.B.A. from George Washington University and an LL.M. from  
7 Georgetown University. I have more than 25 years of statistical, research, senior  
8 management, and legal experience in the federal government, and I previously served  
9 as Director of the Bureau of Justice Statistics, and the Bureau of Transportation  
10 Statistics.
- 11 2. This declaration was prepared in response to this Court's October 1, 2020 Order, which  
12 specifically requested this declaration to confirm I have acted to ensure Defendants'  
13 ongoing compliance with the Court's preliminary injunction and detail the steps  
14 Defendants have taken to comply with the that order. I am providing this declaration  
15 based on my personal knowledge, or on information provided to me in the course of my  
16 official duties.

17 **Communications with Field Staff**

- 18 3. The Census Bureau has employed nearly 530,000 individuals through the course of the  
19 2020 Census. These are intermittent, hourly employees, most with no experience in  
20 census operations. We communicate with them primarily through manuals, training  
21 materials, and messages to their mobile devices. They receive instructions from their  
22 supervisors via telephone calls and text messages, rather than through central guidance  
23 issued from Headquarters. The operation's vast scope necessarily entails feedback from  
24 this large staff ranging from allegations of discrimination or wrongdoing, to observations  
25 and recommendations for operational improvements. We encourage reporting of  
26 complaints through supervisory channels, and provide information about how to file  
27 complaints via several avenues, including the Office of Inspector General Hotline for  
28 allegations of waste, fraud or abuse.

- 1       4. Following receipt of the Court's September 24, 2020 Order granting Plaintiffs' Motion  
2       for a Preliminary Injunction (PI) (ECF 208), the Assistant Director for Field  
3       Operations, James Christy, joined a conference call on Friday, September 25 at 10:30  
4       a.m. Eastern with all regional data collection managers to discuss the issuance of the PI,  
5       to confirm that it stayed the Replan's September 30 deadline for the completion of data  
6       collection, and to let staff know they should continue working on data collection. A  
7       copy of the agenda for this call is attached as Attachment 1.
- 8       5. Later on Friday, September 25 at 3:23 p.m. Eastern, Mr. Christy sent an email to all  
9       managers working on field operations at Headquarters and in the regions notifying  
10      them of our obligation to comply with the Court's Preliminary Injunction. (Attachment  
11      2)
- 12      6. At 5:00 pm Eastern on Friday, September 25, Mr. Christy briefed the Regional  
13      Directors and the Chief of Field Division via a conference call on the Preliminary  
14      Injunction, emphasizing the stay of the Replan's September 30 deadline, and explained  
15      that he was awaiting additional guidance. Mr. Christy directed the Regional Directors  
16      and the Chief of Field Division to continue to complete nonresponse follow-up (NRFU)  
17      operations and said he would forward information as soon as it was available.
- 18      7. On Monday, September 28, Mr. Christy instructed staff to send a text message to all  
19      Decennial field staff, enumerators and Census Field Supervisors (CFSs). As reflected  
20      in Mr. Christy's declaration filed at ECF 234, this text message was sent at 12:56 a.m.  
21      Eastern on September 29. Here is the content of that text message: "A federal district  
22      court issued a preliminary injunction on September 24. The Census Bureau is  
23      complying with the Court's Order which moves the finishing date for NRFU operations  
24      after September 30. The Secretary announced today that NRFU operations will finish  
25      on October 5. We will post updated guidance on the content locker." The "content  
26      locker" is a viewable folder where field staff can see documents from the government-  
27      provided device.

- 1       8. On October 1, 2020, this Court entered an order clarifying its preliminary injunction.
- 2              ECF No. 288.
- 3       9. On Friday, October 2 at 3:30 pm Eastern, Dale Kelly, Chief of Field Division, issued a
- 4              Memorandum to All Staff in the Field Division (including all staff in all Regional
- 5              Offices), stating: “As a result of court orders, the October 5, 2020 target date is not
- 6              operative, and data collection operations will continue through October 31, 2020.
- 7              Employees should continue to work diligently and enumerate as many people as
- 8              possible. Contact your supervisor with any questions. See attached for a copy of the
- 9              Court’s orders.” (Attachment 3) Attached to the Memorandum were copies of ECF
- 10             Nos. 208 and 288.
- 11      10. On Friday, October 2, Mr. Christy arranged for a text message to be sent to all
- 12              Decennial field staff (enumerators and CFSs). This text message was sent to devices
- 13              starting at 3:52 p.m. Eastern on October 2, 2020. The text message read: “As a result
- 14              of court orders, the October 5, 2020 target date is not operative, and data collection
- 15              operations will continue through October 31, 2020. Employees should continue to
- 16              work diligently and enumerate as many people as possible. Contact your supervisor
- 17              with any questions. For a copy of the court orders, check the Content Locker.” Court
- 18              orders ECF No. 208 and ECF No. 288 were placed in the content locker. Attached are
- 19              images showing the text message and the Court Orders on a government-provided
- 20              enumerator iPhone. (Attachment 4) The text message was sent again at 12:00 a.m. on
- 21              October 3, 2020.
- 22      11. To ensure delivery to all Census staff, the Regional Directors forwarded Division Chief
- 23              Kelly’s October 2 email to their staffs as well. Attached are copies of those emails
- 24              from each of the six Regional Directors (Attachment 5).
- 25      12. On October 5, 2020, Mr. Christy provided managers working on data collection
- 26              activities with the attached guidance providing more specifics on completion of cases
- 27              (Attachment 6). Mr. Christy also instructed staff to send a text message to all
- 28              Decennial field staff (Enumerators and CFSs). This text message was sent starting at

1           1:21 p.m. Eastern on October 5, 2020. The text message read: “REQUIRED: Please  
2           see important information posted to the Content Locker.” (Attachment 7) The statement  
3           placed in the Content Locker is attached as Attachment 8.

4 **Communications with Census Bureau Staff Who Access the Email Network**

5           13. On October 2, 2020, the Census Bureau conveyed the same message to all  
6           Headquarters Staff in the attached email. This message also was delivered to all staff  
7           working in the National Processing Center, the Paper Data Capture Centers, the  
8           Regional Offices and the Regional Census Centers. (Attachment 9)

9 **Updates to Public-Facing Resources**

10          14. On October 2, 2020, senior leadership in our Communications Directorate “scrubbed”  
11          our public website to verify that all references to either a September 30 completion date  
12          or October 5 target date for the end of data collection had been removed and replaced  
13          with October 31. Changes were made to our “2020 Census Operational Adjustments  
14          due to COVID-19” page to update the information as well as remove any reference to  
15          the August 3 Replan. This page (which can be accessed at  
16          <https://2020census.gov/en/news-events/operational-adjustments-covid-19.html>) is an  
17          authoritative source designed to help all 2020 Census stakeholders track the current  
18          schedule of operations. In addition, we have adjusted a relevant entry on the 2020  
19          Census Fighting Rumors page, which can be accessed at  
20          <https://2020census.gov/en/news-events/rumors/follow-up.html>. Time-stamped earlier  
21          statements, such as press releases, remain present in our newsroom on census.gov and  
22          2020Census.gov, and have not been removed or edited.

23          15. We posted a press release reiterating these messages and sent the same information  
24          directly to our extensive media list. <https://2020census.gov/en/news-events/press-releases/court-ruling.html> We posted a link to this information on our social media  
25          accounts including Twitter, Facebook and LinkedIn. Direct calls were made to key  
26          stakeholder groups, and Congressional committee staff from the Senate Homeland  
27          Security and Governmental Affairs Committee; House Committee on Oversight and  
28

1 Reform; Senate Appropriations Subcommittee on Commerce, Justice and State and  
2 House Appropriations Subcommittee on Commerce, Justice, and State. Additionally,  
3 we have informed the Government Accountability Office and Commerce Department's  
4 Office of Inspector General of our operational status.

5 **Operational Steps to Ensure Compliance with Preliminary Injunction**

6 16. The Census Bureau has taken a number of operational steps to comply with the Court's  
7 orders:

- 8 a. Self Response. We have taken all necessary steps, including contract  
9 extensions, to ensure that self-response will remain open until October 31, 2020,  
10 for the Internet, telephone, and paper data collection channels.
- 11 b. Mobile Questionnaire Assistance (MQA). To the extent MQA opportunities  
12 still exist, we will make staff available to work these events.
- 13 c. Nonresponse Follow-up (NRFU). We will continue to assign NRFU cases to  
14 enumerators for all areas that have not yet reached 100% completion. We will  
15 continue with our guidance from the COVID-19 Plan that no CFS Area (Census  
16 Field Supervisor area) can enter the Closeout Phase until it reaches 90%  
17 completion, but note for the Court that over 96% of all CFS areas nationwide  
18 are closeout eligible (*i.e.* 90% complete). We will continue to complete re-  
19 interview cases, (reinterviewing identified households for quality assurance),  
20 field verification cases (verifying the existence of selected housing units added  
21 through our non-ID self response process), and Self Response Quality  
22 Assurance cases (reinterviewing identified households flagged by our internal  
23 algorithms) as planned under the COVID-19 Plan, with all work finishing by  
24 October 31, 2020.
- 25 d. Staff Administration. We will continue hiring and training staff consistent with  
26 the COVID-19 Plan. We will continue to accept voluntary resignations and to  
27 terminate employees who work for operations that have been completed, such  
28

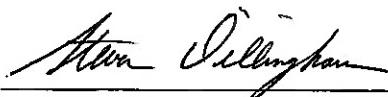
1 as our Enumeration at Transitory Locations operation. We will collect devices  
2 and other materials from employees as they depart.

- 3 e. Count Review Event 1. We will collect information from Group Quarters  
4 establishments identified in our Count Review 2 event.  
5 f. Addition of Addresses to the MAF. We will continue to accept additions to the  
6 Master Address File or “MAF” in the same fashion as under the COVID-19  
7 Plan.  
8 g. Integrated Partnership and Communications Program. We will continue this  
9 program, including paid search (advertisements that appear at the top of search  
10 engine results). We will continue through October 31, 2020, both earned media  
11 and paid media targeted to the areas with the highest NRFU uncompleted  
12 workload. Ongoing communications will also focus on American Indian and  
13 Alaska Native areas and audiences. Partnership efforts at the national and  
14 regional efforts also will continue, spearheaded by the nearly 300 staff members  
15 who remain employed in this program.

16 17 18 19 20 21 22 23 24 25 26 27 28 17. As of October 4, 2020, the Census Bureau has enumerated 99.6% of the nation’s housing  
units, with 43 states and D.C. over 99%. Of the seven remaining states, four are over  
98%, and three are over 97%. The 2010 Census had an enumeration rate of 99.6% while  
the 2000 Census had an enumeration rate of 99.45%. In the 2000 Census, 45 States  
reached a 99% enumeration rate.

I have read the foregoing and it is all true and correct.

DATED this 5<sup>th</sup> day of October, 2020



Steven Dillingham

Director, United States Bureau of the Census